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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,644	05/15/2001	Siew Yong Sim	72100.911	8741

7590

11/19/2004

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EXAMINER

VU, VIET DUY

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 11/19/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,644

Applicant(s)

SIM, SIEW YONG

Examiner

Viet Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-6,8-10,17-22,24-26,31-38,41-43 and 48-50 is/are rejected.
- 7) ☒ Claim(s) 7,11-14,23,27-30,39,40 and 44-47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/6/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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Art Rejections:

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-6, 8-10, 17-22, 24-26, 31-38, 41-43 and 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaddha, U.S. pat. No. 6,014,701 in view of Baumann et al, U.S. pat. No. 6,772,217.

Per claims 1-3 and 10, Chaddha discloses a system and method for delivering large multimedia data streams to users comprising:

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- a) obtaining a large payload file having content from an information provider for distribution in a network having a plurality of nodes (see col 4, lines 10-14),
- b) determining one or more criteria for use to deliver the file to the users (see col 6, lines 41-65),
- c) distributing the file to the plurality of qualified nodes that conform to the distribution criteria wherein the nodes are arranged in a multi-level hierarchical tree (see col 6, lines 10-39).

Chaddha does not teach dividing the large file into segments for transmitting the segments over the network to the distribution nodes. Baumann teaches segmenting a file into multiple portions and transferring segmented file over the network to improve bandwidth usage (see Baumann's col 4, lines 28-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chaddha with Baumann's teachings because it would have improved bandwidth usage in transferring large file to the distribution nodes.

Per claims 4-6, an official notice is taken that the use of node attributes and binary functions on the attributes in operating virtual tree is well known in the art. It would have been obvious to one skilled in the art to utilize any

conventional tree attributes and operations in Chaddha because it would have enabled identifying descendant or child nodes in a tree.

Per claims 8-9, Chaddha teaches storing/caching data files in local storages at the distribution servers/nodes (see col 5, lines 13-24). It is also noted that the use of load balancing at the distribution nodes for improving system performance is well known in the art as admitted by applicant (see page 10 of the specification). It would have been further obvious to one of ordinary skill in the art at the time the invention was made to utilize load balancing at the local storages/databases at the distribution nodes/servers because it would have further improved system performance.

Claims 17-22, 24-26, 31-38, 41-43 and 48-50 are similar in scope as that of claims 1-6 and 8-10 and hence are rejected for the same rationale set forth above for claims 1-6 and 8-10.

Allowable Subject Matter:

4. Claims 7, 11-14, 23, 27-30, 39-40 and 44-47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5. Claims 15-16 are allowed over prior art of record.

Conclusion:

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-305-9600. The Group fax number is 703-872-9306.



VIET D. VU
PRIMARY EXAMINER

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11/16/04